

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HAROLD B. WILSON,)	4:11CV3215
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DIANE SABATKA-RINE, et al.,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's Motion to Compel and for Default Ruling. (Filing No. [45](#).) Defendants have filed a Brief in Opposition. (Filing No. [46](#).) For the reasons discussed below, Plaintiff's Motion is denied.

In his Motion, Plaintiff states that he "submitted" interrogatories in July 2012, but did not receive answers from Defendants. (Filing No. [45](#) at CM/ECF p. 1.) Plaintiff also asks the court to enter a "default ruling" because Defendants failed to answer his Complaint in a timely manner. (*Id.*)

In contrast, Defendants argue that they timely answered Plaintiff's Complaint and first received the interrogatories at issue as an attachment to Plaintiff's Motion to Compel and for Default Ruling. (Filing No. [46](#).) Defendants also argue that Plaintiff has failed to comply with [NECivR 7.0.1\(i\)](#), which provides that this court will only consider a discovery motion in which the moving party shows that, after personal consultation with opposing parties and sincere attempts to resolve differences, the parties cannot reach an accord. (*Id.*)

After careful review, the court finds that Plaintiff failed to show that Defendants had notice of his interrogatories before he filed his Motion to Compel, or that he consulted with Defendants' counsel to resolve any dispute regarding his interrogatories. Moreover, Plaintiff's request for a "default ruling" is without merit

as Defendants timely filed their answer. (See Filing Nos. 32, [34](#) and [45](#).) Accordingly,

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel and for Default Ruling (filing no. [45](#)) is denied.

DATED this 16th day of November, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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